



United States Department of the Interior

Bureau of Land Management
3028 East Main Street
Canon City, Colorado 81212



Rio Grande Natural Area Commission Meeting Minutes May 29, 2013

ATTENDEES

Andrew Archuleta, BLM San Luis Valley Field Manager; Tom Heinlein, BLM Front Range District Manager; Paul Tigan, BLM San Luis Valley Assistant Field Manager; Harold Anderson, Costilla County Rancher and Costilla County Conservation Board Member; Steve Vandiver, Rio Grande Water Conservation District (RGNA Commission Chair); Rio de la Vista, Private Citizen (Vice-Chair); Michael Blenden, FWS Project Leader San Luis Valley NWR Complex; Craig Cotton, District Engineer, Colorado Division of Water Resources; Denise Adamic, BLM public Affairs Specialist; Richard Trotter, Forest Service Resource Assistant; Sandra Montoya, Rio Grande Water Conservation District Administrative Assistant; Rick Basagoitia, Colorado Parks and Wildlife; Gloria Gutierrez, Assistant to Senator Udall; Charlotte Bobicki, Assistant to Senator Bennett; Brenda Felmlee, Assistant to Congressman Tipton; David Montgomery, San Luis Valley Ecosystem Council; Wayne Schwab, Trinchera Irrigation; Lauren Krizansky, Committee Writer/Editor; Ben Doon, Costilla County Administrator;

STEVE VANDIVER CALLED THE MEETING TO ORDER AT 10:10 A.M.

Rio de la Vista moved to approve the minutes. Harold Anderson seconded and the minutes were approved unanimously.

INTRODUCTIONS, REVIEW LAST MEETING

Due to the scheduled late arrival of some committee members, the Public Comment period was determined to remain open for the entire session. No objections.

An initial discussion about the coordination between the Rio Grande Natural Area in Colorado and the new Rio Grande Del Norte National Monument in New Mexico was brought up by Dave Montgomery. Specific issues discussed included conflicting land use patterns across state boundaries and minimizing concerns about domain issues between Colorado and New Mexico. Andrew Archuleta and Paul Tigan replied that BLM's Taos Field Office will administer the National Monument. They also said that the San Luis Valley Field Office has begun to discuss cooperative planning with the Taos Field Office and both offices will strive to maintain good interstate coordination and communication.

The Committee then reviewed items from the last meeting on March 14, 2013. The Committee has been trying to communicate the difference between the abandoned horse issue in the RGNA and Wild Horses. The BLM provided the Committee with a tour of the Wild Horse and Burro facility in Cañon City and encouraged the Congressional and Senatorial Representatives to take a

tour of the facility. The tour requires a two week notice for security checks, as this is under the jurisdiction of the State Prison System. The program includes five facilities nationwide related to inmate training. The Cañon City facility contained around 2700 horses and 500 burros with a maximum space available for approximately 5000 horses. Problems associated with BLM Wild Horse and Burro holding facilities include: all horses in the program are dependent on hay and the hay shortage at the present time is increasing the amount of tax payer expense involved with caring for the wild horses and burros.

The next item included in the discussion involved the concrete structure located on Costilla County property within the Natural Area. Andrew Archuleta mentioned that Angie Krall, Archeologist for the San Luis Valley Public Lands Center would not be able to attend to discuss Section 106 Compliance. Steve Vandiver gave a brief history of the concrete structure. The structure is part of a failed diversion dam that was to supply a large farming area in the middle of what is now the RGNA. The dam washed out at some point, but the concrete structures remained. Later on, the project placed large pumps further down the river, but the farming project was never implemented. Ben Doon said the concrete structure has traditionally been a problem for the County in regards to vagrancy and also as a target for graffiti artists. The structure was further discussed later in the meeting.

UPDATE ON PUBLIC INVOLVEMENT

Sandra Montoya gave a synopsis of public comments resulting from the approximately 500 letters that were sent to land owners and interested parties located on private land on the east side of the river. Only a handful of letters were returned to the Commission. Denise Adamic reported no letters returned, Andrew Archuleta received three telephone calls and no letters, and Sandra received three letters. The first letter was from Jay Carlisle, a landowner based out of Michigan, who wants to do land development in the area. The suggestion was made to compile an email list to send interested parties notifications for Commission meetings. A second letter was from Maurine Perrera and was not discussed. The third letter from Steve Waldrup was read and then discussed in depth. Steve's concern was the re-establishment of a historic Diamond Trail that crosses private property owned by Clay Hudson and other private owners. He wrote about the advantages of re-opening the trail and then developing picnic grounds and planting cottonwoods along the river. Clay contends the establishment of a public trail across his private property and was in attendance at this meeting. Please see Clay's discussion in these minutes for further information.

As a result of the letters, Andrew Archuleta suggested that there be a process to keep interested parties informed of public meetings and particularly reach out to the three people who wrote letters. Sending the approved minutes would be one of these options.

In regards to public boundaries between private and BLM lands, Andrew mentioned that land owners don't realize the high water boundary on the east side of the river is the BLM boundary and not the middle of the river as commonly thought. This fact and the issue of horse problems in the area need to be communicated to private property owners, many of whom are non-residents.

Denise Adamic reported that some of the private party recipients of notification letters were refused and other simply returned unopened. Steve Vandiver suggested that the Commission get

with the county and see if the people who refused the letters are simply not interested or maybe there was a mistake in delivery. There should be an opportunity for these people to make a public comment if they so choose.

Clay Hudson notes: Clay Hudson, private land owner, forwarded some concerns and ideas to the Commission. He and another land owner are trying to fence their property. He noted that there is a lot of trash being left in the area and archaeological vandalism, especially during the river float season. He would like to see a different access point for rafters on the east side of the river and wishes to close off his property to any public access or easement. Currently the only legal access for rafters is on the west side through BLM lands. He mentioned that the new Monument in New Mexico is limiting access for rafters as well. He believes there needs to be better signs and a more discernible boundary. In regards to a historic easement through his property, Clay has researched it and found no information to support an actual easement. When asked if he'd be willing to allow a public access easement, he replied that he wishes to keep his area private. The emphasis would be on creating an access point on public lands. He brought up a concern about exact boundaries for river floaters. The Taos BLM Field office presently manages the river from the Lobatos Bridge south and closes the river for two months for riparian area management. Clay mentioned that the Diamond Trail, referred to in Steve Waldrip's letter, does cross his and a neighbor's property. Clay has had dealing with Steve previously and is not willing to grant access across his property for the trail. This brought up the issue of local vs. non-local views of the river area, as many locals view the Natural Area as their own private playground.

Due to Paul Robertson resigning from the Commission, Denise will be issuing an outreach for a replacement. Paul represented the general public and was a local citizen with knowledge of the area. This information should be added to the press release and names of the original candidates for the position be reviewed for consideration before notification. There is a 30 day notification period and a formal background check required. Paul Tigan added that no federally registered lobbyists are eligible for the position. A point was also made that they will need someone new for the Natural Resources Sub-Committee.

Ben Doon, Costilla County Administrator relayed information from the Costilla County Commissioners meeting regarding the Natural Area. Ben said that the commissioners had a good discussion about county plans in regards to the Natural Area. The county is very supportive and said they would help any way they can. The board is very supportive, especially with items on the east side of the river. At present the county doesn't have any plans for the concrete structure. They are focusing on the area, however, as this falls under the county greenbelt plans. Ben asked the Commission and attendees for any ideas or recommendations to eliminate the graffiti from the concrete structures. Dave Montgomery suggested that the structures could be faced with adobe or stucco and made to look like a more scenically pleasant kiva. If the structure was to be removed, safety could be an issue to bring up for its removal as there is a lot of broken and deteriorating concrete.

A big issue discussed by the committee is who does the structure belong to, the BLM or the County, and also what to do with the structure and how to pay for the resulting decision. Paul Tigan mentioned that Angie Krall and Jeff Brown were researching the structure to see if it's eligible to save as a historic landmark under Federal Regulations regarding Section 106 Compliance. As explained by Andrew Archuleta, Section 106 Compliance is a mandate for all Federal Agencies to comply with the National Historic Preservation Act. He was unsure of how

the National Historic Preservation Act would affect property under county jurisdiction. Regardless of the decision photos should be taken to record the history of the structure prior to any modification.

From previous meeting notes, Rio de la Vista forwarded the subject of public easements to access the Natural Area. Ben Doon addressed new Costilla County Land Use codes that have been put in place. The new planning and zoning codes are now enforceable. They have a land use officer on staff to regulate zoning issues. The new codes can be found on the Costilla County website.

An in depth discussion was had on the problem of abandoned horses and burros in the Natural Area. Andrew Archuleta, Paul Tigan and Harold Anderson gave a detailed discussion of the difficulties in dealing with the issue. People are turning horses loose intentionally in the area and on to BLM lands where they are consuming resources and breaking down fences on private property. The problem partially stems from people unable to feed their horses and turning them loose and also a romantic public perception that the area is populated by wild, Spanish descended horses. From the local land owner and BLM perspective, the horses are abandoned and creating distinct resource damage throughout the area. The committee discussed many ideas to resolve the issue, but horses in the natural area will be slow to resolve until public perception is changed about these animals in the Natural Area. The BLM is in the process of developing a plan for undertaking an impoundment including an Environmental Assessment.

Craig Cotton gave a brief analysis of the water conditions along the Rio Grande River. Based on forecast information from the NRCS, water in the Conejos and Rio Grande River basins will be about 45% of average this year. If conditions persist, this will be the fourth lowest river level on record since 1890. Overall he characterized this as a “pretty bad year.” Recently there were decent flows through Del Norte at 3400 CFS, but the flow has peaked out. Presently there is 80 CFS at the New Mexico Border. He stated the river won’t dry up, but flows could go down as low as 20-30 CFS at the state line if conditions persist. Conditions this year aren’t as bad as 2002, but very similar to 2003.

SUBCOMMITTEE REPORTS ON MEETINGS WITH WRITER/EDITOR

Lauren Krizansky, Technical Writer, proposed her course of action for writing the Natural Area Plan. She intends to use BLM reports as a tentative outline broken into two sections: 1. Identify Resources and 2. How to use the resources. Under preliminary research she intends to use the Taos Land Management Plan as a good format to emulate. The BLM will write its own EA, but there will need to be a separate section for private lands in the area. Resource use discussed should include, but isn’t limited to: forestry, rights-of-way, range, minerals, recreation, energy, transportation, critical habitat, cultural/historical, water, fire, invasive species, etc. The plan should identify goals, objectives, actions and desired outcomes.

The issue of property boundaries was brought up as a key issue for the report. Based on government surveys the BLM holds the high water mark on the east side of the river as its property boundary. This is the official boundary line and not the middle of the river as depicted on other maps. Clay added that the BLM property line is believed to jump the river to the west side further down towards the state line. The issue of property boundaries will need to be researched and studied in depth.

In addition to the above listed items, the following items were suggested to be included in the report. A bibliographical list of resources should be provided to interested individuals if they would like to research the issue themselves. Also, proposed strategies to deal with different aspects of restoration, cultural resources, recreation programs, etc. should also be included in the report to aid in the completion of the project. Andrew Archuleta also emphasized the Natural Area starts at the Alamosa Wildlife Refuge and continues all the way to the border so these areas need to be addressed in the report as well.

CLOSING DISCUSSIONS AND ACTION ITEMS FOR NEXT MEETING

In the closing discussion, action items were discussed for the next meeting scheduled for September 19, 2013 at the Rio Grande Water Conservation District Office in Alamosa. The Committee would like to see an update from Lauren Krizansky on the report. They requested that Andrew Archuleta make arrangements with Angie Krall or a designated archeological representative to present information on Section 106 compliance issues. The Committee would like to see a rough draft of the impoundment EA at the next meeting. Sandra Montoya suggested an educational outreach that Senators and Congressmen can help inform the public. All congressional representatives present at the meeting suggested that public meetings can be put together with their Senators and Congressmen in a public format. All meetings would be published in the national register and open to the public. Dave Montgomery asked if a public tour of the Natural Area can be arranged. The Committee would also like a representative from the Taos BLM Field Office to attend the next meeting to discuss the new Rio Grande Monument adjoining the Natural Area.

The meeting was adjourned at 2:45 p.m.

NEXT MEETING

The next meeting will be held on September 19, 2013 at the Rio Grande Water Conservation District Office in Alamosa.